

WILMERHALE

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By ECF

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Senior U.S. District Judge John A. Gibney
Eastern District of Virginia
701 East Broad Street
Richmond, VA 23219

Re: *King v. Youngkin*, Case No. 3:23-cv-408 (JAG)

Dear Judge Gibney,

Plaintiffs write to respectfully request that the Court enter the attached Proposed Scheduling Order to govern discovery and pre-trial motion practice in the above-caption action (“Action”), following remand of this Action from an interlocutory appeal to the U.S. Court of Appeals for the Fourth Circuit. Defendants do not object to this request.

On April 19, 2024, this Court issued an order (Dkt. 98, (hereinafter “Stay Order”)) staying the Court’s March 26, 2024 Order setting pretrial and discovery deadlines (Dkt. 93) pending resolution of Defendants’ interlocutory appeal of the Court’s March 18, 2024 Order granting in part and denying in part Defendants’ Motion to Dismiss the First Amended Complaint (Dkt. 89) (“MTD Order”). Pursuant to the Stay Order, Defendants’ deadline to respond to the operative Second Amended Complaint (Dkt. 96), was January 10, 2025, 14 days from the date the U.S. Court of Appeals for the Fourth Circuit issued its mandate remanding the Action back to this Court after affirming and reversing in part the Court’s MTD Order. *See* Dkt. 98 at 2.

The Proposed Scheduling Order provides the same 3-month period for discovery provided in the Court’s March 26, 2024 scheduling order, beginning on the date by which Defendants were required to answer or otherwise respond to the Second Amended Complaint. Plaintiffs’ sole proposed modification is to provide that a motion for class certification be briefed concurrently with motions for summary judgment. Simultaneously adjudicating motions for class certification and summary judgment would promote judicial economy and is routine in this District. *See, e.g., Stegemann v. Gannett Co.*, 2022 WL 17067496 (E.D. Va. Nov. 17, 2022) (granting class certification and denying defendants’ motion for summary judgment).

Respectfully submitted,

/s/ Brittany Blueitt Amadi
Brittany Blueitt Amadi